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R 072312Z DEC 09  
FM AMEMBASSY MANAGUA  
TO RUEHC/SECSTATE WASHDC 0245  
INFO WHA CENTRAL AMERICAN COLLECTIVE

UNCLAS MANAGUA 001296

SIPDIS

E.O. 12958: N/A  
TAGS: [ENV](#) [ECON](#) [KIDE](#) [CASC](#) [NU](#)  
SUBJECT: NICARAGUA: AMCIT PROPERTY CLAIMS MONTHLY UPDATE: NOVEMBER 2009

SUMMARY

11. In November 2009, the Government of Nicaragua (GON) reported the resolution of 32 Embassy registered property claims. Twenty-eight of these claims were properties under the control of the Nicaraguan Army. One property was under the control of National Corporations of the Public Sector (CORNAP). With the resolution of these claims, the GON has met two of the benchmarks required for Nicaragua to receive a Section 527 waiver during the 2009-2010 period. To date, the overwhelming majority of resolutions have involved compensation via government-issued indemnification bonds ("bonos de pago de indemnizacion" or BPIs). As of November 30, 2009, the GON had issued BPIs with a face value of \$363,641,210 to Embassy-registered claimants. Since taking office in January 2007, the Ortega administration has resolved 137 claims, 42 during the current waiver year.

EMBASSY REGISTERED CLAIMS RESOLVED IN NOVEMBER

12. On November 20, 2009, the Attorney General's Office provided the Embassy a copy of the final settlement document, or finiquito, signed by U.S. citizen Juan Barreto on November 19, 2009. Mr. Barreto received BPIs worth 66,627,600 cordobas, approximately \$3,208,587. We have updated our database to reflect this settlement. Mr. Barreto's claim represents 28 properties under the control of the Nicaraguan Army. The resolution of the Barreto case represents the largest number of claims resolved for one U.S. citizen at one time.

	Type of	No. of	Type of
Claimant	Claim	Claims	Resolution
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Juan Barreto	Lots	28	bonds

13. On November 26, 2009, the Attorney General's Office provided the Embassy a copy of the finiquito signed by U.S. citizens Enrique and Leila Cerda on August 8, 2008. Mr. and Mrs. Cerda received BPIs worth 5,530,400 cordobas, approximately \$266,327. We have updated our database to reflect this settlement.

	Type of	No. of	Type of
Claimant	Claim	Claims	Resolution
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Enrique & Leila Cerda	House	1	bonds

14. On November 26, 2009, the Attorney General's Office provided the Embassy a copy of the finiquito signed by U.S. citizen Indiana Gutierrez on November 24, 2009. Mrs. Gutierrez received BPIs worth 5,084,400 cordobas, approximately \$244,849. We have updated our database to reflect this settlement. Mrs. Gutierrez' property was under the control of CORNAP.

	Type of	No. of	Type of
Claimant	Claim	Claims	Resolution
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Indiana Gutierrez	Land	1	bonds

15. On December 2, 2009, the Attorney General's Office provided the Embassy a copy of the finiquito signed by U.S. citizen Manuel Vanegas on November 19, 2009.

	Type of	No. of	Type of
Claimant	Claim	Claims	Resolution
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Manuel Vanegas	Land & Machinery	2	bonds

STATUS OF AMCIT PROPERTY AS OF 11/30/09

16. The following is a snapshot of current U.S. citizen property claims. The Embassy maintains separate databases for claims registered before and after the July 31, 2005 deadline in the

## Consolidated Appropriations Act.

EMBASSY-REGISTERED CLAIMS	NUMBER
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Total Amcits with pending claims	265
 Total Amcit claims pending resolution (113 fall under Section 527)	 527
 Total Amcits registered with the Embassy Prior to July 31, 2005 (269 fall under Section 527)	 1,137
 Total Amcit claims resolved (421 fall under Section 527)	 2,646

EMBASSY-REGISTERED CLAIMS BY CALENDAR YEAR NUMBER	
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Claims resolved calendar year 2009	80
 Claims resolved calendar year 2008	 47
 Claims resolved calendar year 2007	 10
 Claims resolved calendar year 2006	 81
 Claims resolved calendar year 2005	 126
 Claims resolved calendar year 2004	 218
 Claims resolved calendar year 2003	 243
 Claims resolved calendar year 2002	 125
 Claims resolved calendar year 2001	 175
 Claims resolved calendar year 2000	 70

EMBASSY-REGISTERED CLAIMS RESOLVED BY WAIVER YEAR NUMBER	
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Registered claims resolved so far in 2009-10 (waiver year: July 29, 2009 - July 28, 2010)	42
 Registered claims resolved 2008-09 waiver year	 48
 Registered claims resolved 2007-08 waiver year	 42
 Registered claims resolved 2006-07 waiver year	 34
 Registered claims resolved 2005-06 waiver year	 86
 Registered claims resolved 2004-05 waiver year	 187
 Registered claims resolved 2003-04 waiver year	 214
 Registered claims resolved 2002-03 waiver year	 183
 Registered claims resolved 2001-02 waiver year	 160
 Registered claims resolved 2000-01 waiver year	 142

Registered claims resolved 1999-00 waiver year	77
Registered claims resolved 1998-99 waiver year	156
Registered claims resolved 1997-98 waiver year	204
Registered claims resolved 1996-97 waiver year	145

EMBASSY-REGISTERED CLAIMS UNDER GON CONTROL NUMBER

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Total Amcit properties under GON control	22
(subject to revision)	
GON-held claims resolved 2009-10 waiver year	29
GON-held claims resolved 2008-09 waiver year	3
GON-held claims resolved 2007-08 waiver year	1
GON-held claims resolved 2006-07 waiver year	0
GON-held claims resolved 2005-06 waiver year	3
GON-held claims resolved 2004-05 waiver year	16
GON-held claims resolved 2003-04 waiver year	12
GON-held claims resolved 2002-03 waiver year	11
GON-held claims resolved 2001-02 waiver year	26
GON-held claims resolved 2000-01 waiver year	2
GON-held claims resolved 1999-00 waiver year	2
GON-held claims resolved 1998-99 waiver year	5
GON-held claims resolved 1997-98 waiver year	29
GON-held claims resolved (total)	206

CLAIMS DISMISSED BY GON NUMBER

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SEPTEMBER 2009	6
march 2008	68
february 2008	15
january 2008	28
november 2007	18
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TOTAL	135

DISMISSED CLAIMS LATER RESOLVED IN FAVOR OF U.S.

CLAIMANT	NUMBER
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NOVEMBER 2009	1

SEPTEMBER 2009	4
march 2009	1
APRIL 2009	5
May 2009	4
JUNE 2009	2
July 2009	4
august 2009	1

OTHER CATEGORIES TRACKED	NUMBER
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DECISION AGAINST U.S. CLAIMANT IN COURT	9
(CLAIM WITHDRAWN BY AMCIT)	
CLAIMS WITHDRAWN BY AMCITS (PROPERTY UNDER AMCIT CONTROL)	2
CLAIMS WITHDRAWN BY AMCITS FOR lack of supporting documents	4
CLAIMS WITHDRAWN BY AMCITS (CLAIMANT stopped PURSUING Claim)	6
Total claims resolved by land swaps	7
Total claims compensated via bonds (face value of bonds \$359.9 million)	1,978

NON-REGISTERED RESOLUTIONS BY WAIVER YEAR	NUMBER
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Non-registered resolutions 2009-10 waiver year	0
Non-registered resolutions 2008-09 waiver year	1
Non-registered resolutions 2007-08 waiver year	6
Non-registered resolutions 2006-07 waiver year	12
Non-registered resolutions 2005-06 waiver year	30
Non-registered resolutions 2004-05 waiver year	0
Non-registered resolutions 2003-04 waiver year	6
Non-registered resolutions 2002-03 waiver year	22
Non-registered resolutions 2001-02 waiver year	93
Non-registered resolutions 2000-01 waiver year	300
Non-registered resolutions 1999-00 waiver year	455
Non-registered resolutions 1998-99 waiver year	310

Non-registered resolutions 1997-98 waiver year	230
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Non-registered resolutions 1996-97 waiver year	208
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Total Non-registered resolutions	2,027
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TOTAL REGISTERED & NON-REGISTERED RESOLUTIONS

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Total number of Amcit claims resolved	4,673
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NON-WAIVER CLAIMS REGISTERED AFTER JULY 31, 2005 NUMBER

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Total Amcit claimants registered with Embassy	16
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Total Amcit claims pending resolution	22
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NON-WAIVER CLAIMS RESOLVED BY CALENDAR YEAR	NUMBER
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Claims resolved in calendar year 2009	1
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Claims resolved in calendar year 2008	1
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CALLAHAN